

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DANIEL W. FAERFERS and KATJA
FAERFERS,

Plaintiffs,

v.

CAVIAR CREATOR, INC., a Nevada
Corporation, individually and
as successor to CAVIAR
CREATOR, INC., an Oregon
Corporation,

Defendant.

NO. CIV. S 04-2690 MCE PAN

MEMORANDUM AND ORDER

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Plaintiff Daniel W. Faerfers filed a motion on October 5, 2005, seeking a protective order regarding the location of his deposition. Defendant Caviar Creator has noticed the deposition of Daniel Faerfers for October 13, 2005, in Sacramento, California. Plaintiff objects to Defendant's demand that he be deposed in Sacramento, California, as he currently resides in Neuss, Germany. Plaintiff submits that requiring him to travel

1 to Sacramento for the purpose of deposing him would subject him
2 to annoyance, oppression, undue burden and expense based upon
3 time, expense and his current business circumstances.

4 Federal Rule of Civil Procedure 30(b)(7) provides that the
5 Court may upon motion order that a deposition be taken by
6 telephone or other remote electronic means. For purposes of this
7 rule, a deposition taken by such means is taken in the district
8 and at the place where the deponent is to answer questions. Id.

9 _____Accordingly, the Court finds that the time and expense
10 Plaintiff will suffer outweighs Defendant's need to have
11 Plaintiff appear personally. Good cause having been shown, the
12 Court orders that Plaintiff's deposition be taken by telephone or
13 other remote electronic means. Plaintiff's motion for a
14 protective order is GRANTED.¹

15 IT IS SO ORDERED.

16 DATED: October 7, 2005

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20 MORRISON C. ENGLAND, JR.
21 UNITED STATES DISTRICT JUDGE
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27 ¹Because oral argument will not be of material assistance,
28 the Court orders this matter submitted on the briefs. E.D. Cal.
Local Rule 78-230(h).